

THE STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS.
NORTHERN**

SUPERIOR COURT

**IN THE MATTER OF
PAMELA MCCARTHY AND RICKY MCCARTHY**

06-M-0496

RESPONDENT'S NOTICE OF REMOVAL TO FEDERAL COURT

NOW COMES the respondent, Ricky McCarthy, (hereinafter, "respondent") by and through counsel, Walker & Buchholz, P.A., and respectfully submits the following Notice Of Removal To Federal Court and in support thereof states as follows:

1. Currently pending before the court is petitioner's *Motion For Further Order Regarding Distribution Of Retirement And Wording Of QDRO* and respondent's *Objection To Motion For Further Order Regarding Distribution Of Retirement And Wording Of QDRO*.
2. The issues raised in said pleadings involved application of federal law to resolve the dispute. Hence, respondent has filed a *Petition For Removal* with the Federal District Court for the District of New Hampshire.
3. The issue is currently scheduled to be heard on March 14, 2008 in the Hillsborough County Superior Court. However, due to removal of the issue to Federal District Court, the state court no longer has jurisdiction over the matter and the hearing scheduled thereon must be dismissed.

WHEREFORE, the respondent respectfully notifies the Hillsborough County Superior Court, Northern District of the removal of the issue regarding application of the federal law to lump sum distributions of pension funds via a QDRO and request dismissal of the pending matter.

Respectfully submitted by
Ricky McCarthy
By his attorneys,
WALKER & BUCHHOLZ, P.A.

Dated: March 13, 2008

By /s/ Kevin E. Buchholz, Esquire
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice To Remove was this day forwarded to Kathleen Sternenberg, Esquire, Law Offices of Kathleen Sternenberg, 27 Webster Street, Manchester, NH 03104 and the clerk of the Hillsborough County Superior Court, Northern District, 300 Chestnut Street, Manchester, NH 03101.

Dated: March 13, 2008

/s/ Kevin E. Buchholz, Esquire
Kevin E. Buchholz, Esquire